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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.				
10/639,611	08/12/2003	Steven Geller	600459.002	5395				
61834 DREIER LLP 499 PARK AVE NEW YORK, NY 10022	7590 02/05/2007		<table border="1"><tr><td>EXAMINER</td></tr><tr><td>LEVINE, ADAM L</td></tr></table>		EXAMINER	LEVINE, ADAM L		
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SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/05/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/639,611	Applicant(s) GELLER ET AL.	
	Examiner Adam Levine	Art Unit 3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 26, 2006, has been entered.

Response to Amendment

Applicants' reply filed December 26, 2006, is responsive to the office action mailed June 21, 2006. All originally filed claims have been cancelled. Newly filed claims 10-20 have been filed to replace the cancelled claims. Remarks have been presented in support of new claims 10-20. Claims 10-20 are pending and considered in this office action.

Response to Arguments

Applicants' arguments filed December 26, 2006, have been fully considered but they are not persuasive. Applicants characterize the previous office action incorrectly in stating that it "recognizes that Raveis fails to disclose commands which cause display of two additional computer screen displays..." This is not accurate. Raveis discloses

multiple additional computer screen displays and web links that cause the display of these screens. The web links are commands that cause display of at least two additional computer screen displays (see Paper #20060612 pages 5 and 6). Raveis also discloses the use of a graphic icon to represent these hyperlinks (see at least page 1 ¶ 0008). The particular form taken by the graphic icon is nonfunctional descriptive matter. It could be a radio button, blue underlined text, another kind of button, all of which are common, or it could be any other graphic representation. The form taken by the graphic representation is descriptive material and is not functionally involved in the recited steps of the method. Because it has no functional role in the method it is non-functional descriptive material. This descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983). MPEP 2106). Please also note that Raveis uses the terms "web page," "video display," and "screen" interchangeably throughout the specification.

What is not disclosed by Raveis is the much more narrowly claimed explicit disclosure of associating with a first locale a sequence of commands that when executed provide a first of at least two additional computer screen displays to display information about deals facilitated by the computer system in the first locale, and associating with a first property a sequence of commands that when executed provide a second of at least two additional computer screen displays to display information about closed deals facilitated by the computer system relating to the first property. This is implicit in Raveis, as it should be noted that a "sequence of commands" would include

"a command" and that "associating" commands with a locale and a property are inherent in Raveis. For simplicity however the examiner chose instead to offer another reference with a clearer disclosure of those elements because the other reference also provided an idea of the vast range of information searching capabilities discussed in the prior art (Paper #20060612 pages 6 and 7). The examiner understands the enhanced search capabilities and additional criteria to represent sequences of commands associated with the property and various aspects of the property. Referring to the newly filed claims and applicants' remarks in support thereof, the new claims are not directed to the association of more complex sequences of commands.

Applicant instead argues that the second reference, First American, does not disclose the specific user interface, i.e., the two actuatable buttons. These are disclosed in Raveis. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Applicant also argues that First American, because it offers more complex, customized searching using various criteria, teaches away from the simpler present application because the present application is simpler, only offering two choices. In response to this argument, it must be noted that Raveis alone discloses the invention as now claimed. Raveis in view of First American discloses the invention as originally claimed. The fact that First American discloses additional capabilities no longer claimed

is irrelevant. In any case, if a user desires less information, the commands that would be used in First American would be as simple as those used in the present application.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. **Claims 14 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

Claim 14 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are: the steps allowing the user to enter notes data, and providing the method with the ability to offer the ability to the user and accept the user's response. The step appears to grant the ability to access notes but does not indicate where they came from. This also begs the question whether applicants' intended the entry of notes to be included in this claim.

Claim 19 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are: the elements that would allow communication between the user and the offeree and that would accompany the also missing but presumed method step of allowing the user to relate the data to the offeree. This claim appears to be attempting to claim the user or the

user's action but the invention as understood by the examiner to this point has been focused on creating a method that would allow the user to take certain actions and responding to those actions, rather than claiming the otherwise unpredictable choice of actions by the user or claiming the user itself. If the claim is intended as it currently appears, it would be directed to nonstatutory subject matter and would also fail to further limit the parent claim.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. **Claims 10-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Raveis (Paper #090105; Pub. No. US 2001/0005829).**

Raveis teaches a system and method for facilitating real property transactions using a computer system comprising storing data identifying properties in at least one database, displaying deal information on a screen with, and allowing the user to select information using actuatable buttons (see at least abstract, page 1 ¶ 0008). Raveis further discloses:

- storing realty data in a database: (see at least abstract); identifying a plurality of real properties including address data associated with each real property (see at least abstract, fig.3, page 1 ¶ 0003, page 9 ¶ 0098); deal data identifying a plurality of deals for mortgage refinancing previously closed on at least some of the real properties in the realty data (see at least page 2 ¶ 0019, page 4 ¶ 0047, page 7 ¶ 0084, 0086; page 8 ¶ 0092, 0094; page 9 ¶ 0096, 0098). Please note:

as discussed in previous office actions, the exact information provided, not having any functional role in the method, is non-functional descriptive material. Because it has no functional role in the method this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381 , 1385, 217 USPQ 401, 404 (Fed. Cir. 1983). MPEP 2106). In this case, however, the descriptive material in the present application is essentially the same as in *Raveis*).

- displaying a deal information screen: including data obtained from the database (see at least Figs. 1,3-6; page 1 ¶ 0008, page 2 ¶ 0013, page 4 ¶ 0070, page 8 ¶ 0092, page 9 ¶ 0098).
- identifying one or more of the plurality of real properties: the deal information screen containing a first user actuatable button and a second user actuatable button (see at least page 1 ¶ 0008, page 8 ¶ 0091, page 10 ¶ 0102-0105.

Please note: as discussed above, the form of the graphic icon is nonfunctional descriptive matter because it has no functional role in the method. This descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381 , 1385, 217 USPQ 401, 404 (Fed. Cir. 1983). MPEP 2106). It could be a radio button, blue underlined text, another kind of button, all of which are common, or it could be any other graphic representation); displaying in the deal information screen a third user actuatable button, and in response to the user actuating the third actuatable button displaying additional information about the selected real property obtained

from the database, wherein the additional information comprises mortgage data derived from a publicly available source and nonpublic, proprietary deal information, quote data representing one or more quotes for mortgage refinancing related to the selected real property, notes data representing notes entered by the user regarding an offer to refinance the mortgage on the selected real property, history data representing one or more events in the history of a deal associated with the selected real property, data representing tasks to be done related to a deal associated with the selected real property (see at least page 1 ¶ 0008, page 8 ¶ 0091, page 10 ¶ 0102-0105. Please note: as discussed above, the form of the graphic icon is nonfunctional descriptive matter because it has no functional role in the method. This descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983). MPEP 2106).

- allowing the user to select: one of the real properties displayed in the deal information screen (see at least page 3 ¶ 0033);
- in response to the user actuating the first user actuatable button: displaying first deal data obtained from the database, the first deal data comprising one or more previously closed deals for mortgage refinancing at the same address as the selected real property, one or more deals previously closed by the user at the same address as the selected real property (see at least page 1 ¶ 0008, page 2 ¶ 0013, 0019, page 4 ¶ 0047, 0070; page 7 ¶ 0084, 0086; page 8 ¶ 0091, 0092, 0094; page 9 ¶ 0096, 0098; page 10 ¶ 0102-0105. Please note: as discussed

above and in previous office actions, the exact information provided, not having any functional role in the method, is non-functional descriptive material. Because it has no functional role in the method this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983). MPEP 2106). In this case, however, the descriptive material in the present application is essentially the same as in *Raveis*);

- in response to the user actuating the second user actuatable button: displaying second deal data obtained from the database, the second deal data comprising one or more previously closed deals for mortgage refinancing at addresses located on the same street as the first real property, one or more deals previously closed by the user at an address located on the same street as the address of the selected real property (see at least page 1 ¶ 0008, page 2 ¶ 0013, 0019, page 4 ¶ 0047, 0070; page 7 ¶ 0084, 0086; page 8 ¶ 0091, 0092, 0094; page 9 ¶ 0096, 0098; page 10 ¶ 0102-0105. Please note: as discussed above and in previous office actions, the exact information provided, not having any functional role in the method, is non-functional descriptive material. Because it has no functional role in the method this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983). MPEP 2106). In this case, however, the descriptive material in the present application is essentially the same as in *Raveis*).

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- the user relating the first or second deal data to an offeree: that is responsible for the selected real property (see at least abstract, fig.7, pages 1-3 ¶¶ 0011-0013, 0018-0019, 0029-0030).
- an input device: (see at least fig.1, page 1 ¶¶ 0007-0008, page 4 ¶ 0040, page 8 ¶ 0091)
- a programmed processor: (see at least pages 1-2 ¶ 0012, page 3 ¶ 0032).

Pertaining to system claim 20

Rejection of system claim 20 is based on the same rationale as noted above.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam Levine whose telephone number is 571.272.8122. The examiner can normally be reached on M-F, 8:30-5:00 Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on 571.272.6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Adam Levine
Patent Examiner
January 26, 2007


Primary Ex.
MARK FODOR